

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:

Daniel Jacoff

Serial No:

09/444,261

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Patent Examiner Gail Kaplan Verbitsky

Art Unit: 2859

For:

VIAL AND METHOD MAKING SAME

Box NON FEE AMENDMENT Assistants Commissioner for Patents Arlington, VA 20231

<u>AMENDMENT</u>

In response to the Office Action dated October 7, 2002, please amend the above-

identified application as follows:

Cancel the paragraph bridging pages 10 and 11 and substitute therefore the paragraph

shown in the clean copy of this paragraph on the attached sheet. A marked up copy of this

paragraph showing changes made is attached to this amendment.

In the embodiment shown Figs. 6-11, the vial 1 is provided with a pair of keys 57 which are preferably integral with (i.e. one piece) and extend outwardly from one end (preferably the open end 6) of the vial 1 and in opposite direction from each other. The keys 57 have straight edge and side walls 58 and 59 tangent to the outer circular with 3 of the vial 1 and at right angles to each other. The side walls 59 are parallel to a plane tangent to the apex of 8. Since the notches 54 in the level which receive the vial are square, by placing the keys 57 against the outer side edges 55-56 of one of the notches 54 the vial is automatically oriented in the correct position with the apex 8 of the curved inner cavity 4 to be closest to one of the outer rails 52 i.e. a plane tangent to the apex 8 is parallel to the rails 52. When assembled in this matter, the vial 1 automatically will assume the proper orientation in the carpenter level without the necessity of using precision tools.